Article

Context, visibility, and control: Police work and the contested objectivity of bystander video

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Abstract

This article examines how police officers understand and perceive the impact of bystander video on their work. Drawing from primarily qualitative data collected within two police departments in the Pacific Northwest, I describe how officers' concerns about objectivity, documentation, and transparency all manifest as parts of a broader politics of information within policing that has been amplified in recent years by the affordances of new media platforms and increasingly affordable surveillance-enabling technologies. Officers' primary concerns stem from their perceived inability to control the context of what is recorded, edited, and disseminated to broad audiences online through popular platforms such as YouTube.com, as well as the unwanted visibility (and accountability) that such online dissemination generates. I argue that understanding the effects of this `new visibility' on policing, and the role played by new media in this process, has become vitally important to our tasks of organizing, understanding, and overseeing the police.

Keywords

Body-worn cameras, bystander video, citizen video, information politics, police, policing, surveillance, visibility, YouTube

Introduction

I don't like the 24/7 pop-culture world I have seen develop. Anything can be made to look bad on YouTube with editing. (Patrol Officer, mid-sized police department in the Pacific Northwest)

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In recent years, the mounting ubiquity of handheld video recording devices and growing public and media interest in documenting police activities has driven a rapid proliferation of user-generated video of police (mis)conduct on sites like YouTube and other social media platforms, as well as the development of smartphone apps designed specifically to enable covert recording of the police (Newell, 2014a: 63). These forms of "secondary visibility" (Goldsmith, 2010: 914) enabled by the development of new media reach well beyond the barriers of proximity and timing and, along with the rapid adoption of body-worn cameras, have transformed police work into a "high visibility" career (Sandhu and Haggerty, 2017: 79). Despite being historically "the most visible of all criminal justice institutions" (Chermak and Weiss, 2005: 502), the police have, until relatively recently, mostly been subjected only to "primary" forms of visibility—visible only to those directly involved in, or within sight of, actual police–citizen interactions (Goldsmith, 2010: 914). However, the various technologies that police officers have used to "conduct surveillance of others" for decades are now "also [being] used for surveillance of their own work" (Ericson and Haggerty, 1997: 35, 139), a reality exacerbated by the affordances of new media platforms and increasingly affordable surveillance-enabling technologies (e.g. smartphones and cameras).

Police departments, like those examined as a part of this project, have been outfitting their officers with body-worn cameras for years, partly in response to the host of image management problems and the recent surge in media attention to police-involved violence generated by the rise of bystander video (Sandhu, 2016: 78). The narratives surrounding body-worn camera adoption are often based on assumptions that body-worn camera footage can provide more "objective" evidence of police–civilian interactions (like that captured by bystander video, but with more consistent and pervasive coverage of police–citizen contacts). In addition, the possibility that misconduct might become more visible because of increased recording poses a serious problem for law enforcement image management, as well as for individual officers, and the recording of non-arrest, "peace-keeping," activities may also subject officers to oversight from a variety of sources that may diminish their ability to "act alternatively" (Bittner, 1990).

Within policing, these concerns about objectivity, documentation, behavior modification, and transparency all manifest as elements of a broader—and transforming—politics of information that has been amplified in recent years as bystander recording and police body cameras have become more prevalent. Information/al politics has been described as "the manipulation of information access for political gain" (Jaeger, 2007: 851) and as "the use of information and information processing as a decisive tool of power-making" (Castells, 2009: 197). In a broad sense, information politics encompasses the collection, use, and interpretation of information to enable or effectuate governance, regulate behavior, or implement information policies for political purposes. Because informational power is exercisable "only by those who can control power in its virtual form through ownership of the very processes by which information is created, processed, and used" (Braman, 2006: 41), bystanders who record the police potentially acquire greater power in their struggle to oversee the police.

There is a growing body of research on the practice and implications of bystander video, but there is little qualitative social research examining how police officers understand and perceive the impact of bystander video on their work (Sandhu and Haggerty,

2017: 80; for important exceptions see Brown, 2016; Farmer and Sun, 2016; Huey et al., 2006; Sandhu, 2016, 2017; Sandhu and Haggerty, 2015, 2017). There is even less research explicitly connecting officers' practices and perceptions to questions of power and the politics of information as they are playing out in modern-day policing. The findings presented herein are intended to start filling this gap by addressing the following research question: how do police officers understand and perceive the impact of bystander video on their work? Findings are drawn from a multiyear study of body-worn camera adoption by officers in two municipal police departments in the Pacific Northwest. The sections that follow begin by unpacking some of the relevant theory about police engagement with visual technologies (bystander video, in particular), followed by an examination of prior research into officers' perceptions of bystander video and descriptions of the methods and major findings of this study. Bystander video and new media platforms are significantly impacting contemporary police work—from enabling new forms of media and information politics to altering on-the-ground policing practices as officers adjust their behavior due to visibility- and accountability-related concerns. The findings presented below unpack how officers perceive bystander video as affecting their work, navigate the emerging information politics of police visibility, and contest what they see as the misrepresentation and misinterpretation of their work by those who record them and disseminate their recordings online.

Bystander video and the police

Evidence from multiple studies suggests that "the routine presence of cameras is changing the dynamics of policing on the ground" (Haggerty and Sandhu, 2014: 11). Likewise, the "rise of the Internet as a news platform has contributed to the redefinition of journalism" (Allan, 2013: 22). Recording the police, as a form of inverted surveillance, is a social practice that can range, on one hand, from the "passive or hidden observation" (Finn, 2012: 77) or "spontaneous image capture" (Kreimer, 2011: 344) that characterized George Holliday's recording of the Rodney King beating at the hands of four Los Angeles Police Department officers in 1991 (Allan, 2013; Goodwin, 1994: 606) to, on the other, premeditated and targeted, overt, and (sometimes) obstructionist activism engaged in as "a form of civic engagement or duty" (Kreimer, 2011: 344–347). Holliday's recording was not premeditated, but a spontaneous response to witnessing a violent police–public encounter from his second-floor balcony (Allan, 2013: 76). However, for present purposes, the importance of the King recording, which has been described as "a pivotal moment in the rise of citizen journalism" (Allan, 2013: 76), lies in the confluence of factors that made its subsequent visibility, and the reaction to it, so extreme: the (then) recent advent of affordable "point-and-shoot" camcorders and the wide distribution of the video on national television networks (Allan, 2013: 76–77). As with the King video, many of the highly publicized bystander videos of police-involved violence in recent years have been captured by individuals who just happened to be present when a violent encounter began to unfold. However, in the intervening years following the aftermath of the King video going viral on national television in 1991 (including the resulting riots and national outcry against police brutality), organized copwatching has also emerged.

In reaction to bystander video (and other new forms of secondary visibility), the police have begun to "develop a self-interest in the politics of surveillance" (Haggerty, 2006: 30). This has been at least partly motivated by police perceptions of the act of bystander recording as antagonistic. The ability of bystanders to (mis)interpret or (mis) represent officers' recorded conduct, and make the officers visible, is an example of what Goodwin (1994) refers to as "contested vision"—that is, by separating the interpretation from the experience and "professional vision" of the police, bystander video can contest the "socially organized ways" that police see and understand the recorded events (pp. 606, 615–616).

Similarly, bystander recordings impede "the police's ability to control the accounts of what happened on the street" (Sandhu and Haggerty, 2017: 89). This "account ability" (Ericson, 1995) means "the capacity to provide a record of activities that explains them in a credible manner so that they appear to satisfy the rights and obligations of *account-ability*" (p. 137). If we see "account ability" as a matter of "negotiating control" (Ericson et al., 1989), the perceived loss of control that officers report due to the documentation, framing, dissemination, and interpretation of bystander recordings—as opposed the potentially greater control they have regarding their own body-camera recordings— decrease officers' ability to explain and anchor the narrative surrounding their conduct (e.g. in their own written reports). Thus, in some cases, officers may "pull[] back from doing their jobs" because they don't want to have an altercation recorded by a bystander (Huey et al., 2006: 155). This is a clear example of information politics impacting real-life police work.

Visual-media-based citizen journalism has been described in a variety of ways, but is often framed as a form of "witnessing" and the citizens' cameras as "technologies of truthtelling" (Allan and Peters, 2015: 1349–1350; see also Antony and Thomas, 2010; Bock, 2016; Brown, 2016; Brucato, 2016; Farmer and Sun, 2016; Greer and McLaughlin, 2010; Haggerty and Sandhu, 2014; Hermida and Hernández-Santaolalla, 2018; Huey et al., 2006; Newell, 2014a, 2015; Sandhu, 2016; Wilson and Serisier, 2010). It has also been framed as a form of inverse, reciprocal, or counter surveillance (Huey et al., 2006; Marx, 2005; Monahan, 2006: 529; Newell, 2014b, 2015; Wilson and Serisier, 2010), or as "sousveillance" (Mann et al., 2003), all forms of what Castells (2007) refers to as "counter-power" (p. 239).

Surveillance is often defined as the "focused, systematic and routine attention to personal details for purposes of influence, management, protection or direction" (Lyon, 2007: 14), foregrounding its function as a mechanism of social control. Sousveillance is also generally framed in terms of social control, but it flips the tables on the traditionally panoptic framing of state surveillance and power, offering individual citizens (or non-citizens) some ability to watch back and hold the state accountable. A bystander's choice to record the police—for the purposes of making officers' actions visible or holding them accountable—exemplifies sousveillance and is a form of information politics. In addition, when bystander video is shared online, becoming visible to the masses, it allows a form of "synoptic" surveillance (Mathiesen, 1997; Sandhu and Haggerty, 2017), empowering the public to scrutinize the conduct of the police.

Indeed, in a number of cases, police officers have targeted civilians or video activists, detaining or arresting them for recording in violation of local laws and ordinances and,

in some cases, even breaking or confiscating cameras in the so-called "war on cameras" (Wall and Linnemann, 2014) as a "preemptive security" measure (Simon, 2012: 159–170). This resistance to bystander recording, an expression of (informational) power, may also be understood as a byproduct of the "security–photography encounter," where police officers perceive the bystander wielding a camera as "the subject of security" who is "contingent, continually changing, and possibly becoming dangerous" (Simon, 2012: 162).

Prior work on officer attitudes toward bystander video

A few recent studies have examined officer attitudes toward bystander video. Sandhu and Haggerty (2017: 80) found that officers "display … nuanced and apparently contradictory views" toward cameras, organizing officers' responses about policing on camera into three categories, reflecting the orientation of the response: "(1) camera shy; (2) habituated; and (3) strategic advantage" (p. 81). The first orientation, *camera shy*, is characterized by "a series of anxieties about the risks and annoyances of working in an environment where officers … have the realistic prospect of being recorded" (Sandhu and Haggerty, 2017: 81–82). Officers were concerned about cameras (and the bystanders wielding them) interfering with or altering the dynamics of their work, damaging their reputations, not accurately and objectively depicting the reality of what had occurred or what assumptions officers were working under during an encounter (Sandhu and Haggerty, 2017: 82–83). They also expressed concerns about citizens "consciously manipulating their recordings" and intentionally broadcasting images that placed the officers in a negative light (Sandhu, 2016: 82–83; Sandhu and Haggerty, 2017: 84–85). Accordingly, they found that "officers were attuned to how an image's depiction of reality is contingent" on a variety of variables beyond the officers' control and that "the public was quick to judge but did not have the knowledge required to fairly interpret recordings of police actions" (Sandhu, 2016: 83; Sandhu and Haggerty, 2017: 82, 84).

The second orientation, *habituated*, points to responses indicating that officers have become accustomed to the presence of the cameras to the point that the cameras tend to blend into the background (Sandhu and Haggerty, 2017: 86–87). Officers see the risks, but realize it is unlikely they will be impacted personally in any career-defining or career-ending way (Sandhu and Haggerty, 2017: 87). Despite overwhelming consensus that bystander video could easily misrepresent police action and that the public was ill-equipped to interpret such visual evidence, habituated officers generally stated that, "when explained correctly and viewed by unbiased audiences, [bystander video] will ultimately support an officer's interpretation of a situation and exonerate them from accusations of wrongdoing" (Sandhu and Haggerty, 2017: 88). The third orientation, *strategic advantage*, is characterized by officers who recognize the benefits that come from being on camera, including bystander video (Sandhu and Haggerty, 2017: 89). This feeling was often tied to the evidentiary value of visual recordings, and the likelihood that such recordings would be shared with the police to help investigate a case or to exonerate an officer and deter "bogus complaints" (Sandhu and Haggerty, 2017: 89).

In another recent study, Farmer (2016) interviewed a small sample of police officers to better understand the "anxieties" officers had regarding "how cameras and recordings

can alter the dynamics of policing" (p. 11). Respondents felt that bystander recording was distracting or posed safety concerns (both to the officer as well as to the person recording), especially when bystanders got too close and risked interfering with police work, baited officers, or otherwise tried to verbally engage or escalate a police–civilian encounter (Farmer, 2016: 96–97). Like Sandhu and Haggerty (2017), Farmer and Sun (2016) found evidence that officers had become accustomed to being recorded by bystanders, but they also reported that some officers perceived the act of recording as a form of "subtle defiance" and "passive resistance" and that bystanders were less likely to obey officers' commands while recording and were more likely to be confrontational (Farmer, 2016: 105; Farmer and Sun, 2016: 248, 252–253). Officers also felt like bystander video, with its perceived focus on capturing "something exciting" (Farmer, 2016: 98), had generally decreased community trust in law enforcement (Farmer, 2016: 109; Farmer and Sun, 2016: 251).

Drawing from data collected through surveys and a set of 20 interviews with officers in two major Canadian police agencies, Brown (2016) investigated officers' self-reported judgments about how cameras had driven changes in their use-of-force-related behaviors. Brown (2016) found that "the awareness and concern that their conduct could be videorecorded by a citizen was something that was *always present* in their consciousness" (p. 302). Relatedly, most respondents reported that the (possible) presence of cameras had affected their use-of-force behavior, including their willingness to "tune up" "the odd bad guy who desperately deserved a punch in the head" (Brown, 2016: 304). Interestingly, 86% of respondents reported that the dissemination of bystander video influenced "their decision to moderate violence" as much or more than their concerns about the physical presence of cameras (Brown, 2016: 304).

In an earlier study, Huey et al. (2006) examined the experiences and motivations of members of a "Cop Watch" group based in Vancouver, British Columbia. Based on interviews with several Vancouver police officers, they highlight concerns about the "anti-police values" of the cop-watchers and perception that officers are "pulling back from doing their jobs" because they don't want to have an altercation recorded by a bystander (Huey et al., 2006: 155). The police reported that cop-watchers were interrupting police contacts and attempting to provoke officers while someone else was recording the interaction (Huey et al., 2006: 156). From these officers' point of view, these intrusions impacted their ability to "establish a safety perimeter," something they are trained to do to protect themselves and others at a scene (Huey et al., 2006: 156). Officers also expressed concern that having a camera follow them around limited their discretion to let a suspect off with a warning (Huey et al., 2006: 156–157).

Methods

The findings discussed below emerged from a primarily qualitative analysis of data collected through fieldwork (interviews, observation, ride-alongs) and surveys of police officers in two municipal police agencies in the Pacific Northwest. At the midpoint of the study, the Bellingham Police Department (BPD) employed approximately 110 sworn personnel, with over 60 personnel assigned to patrol (including K-9), and over 50 non-sworn civilian personnel. The department had jurisdiction over 31.7 square miles and

served a population of over 83,000 citizens. The Spokane Police Department (SPD) employed approximately 310 sworn personnel, with over 140 personnel assigned to Patrol, and just over 100 non-sworn civilian personnel. The department had a jurisdiction of roughly 76 square miles and served a population of over 210,000 citizens.

The data collection encompassed 40 ride-alongs with 29 different officers, ranging in duration from a few hours to entire 10-hour-and-40-minute shifts, as well as numerous informal discussions with other officers and department administrators and a series of four surveys (in 2014, 2015, 2016, and 2017/2018, respectively). Interviews were informal, and detailed written and audio fieldnotes were made during breaks and shortly after each ride-along. Occasionally, officers would mention bystander recording, without being prompted to do so, during broader conversations about policing with body-worn cameras; in most of the rides, I would continue or start conversations about bystander recording by asking how often they find themselves being recorded, whether they have found bystander videos of themselves online, and how they feel about the practice of bystanders recording them as they work. The survey questionnaires, which were designed primarily to inform the qualitative investigation and, as appropriate, validate whether certain themes drawn from the qualitative work were shared across the two departments, resulted in 148, 133, 126, and 102 valid responses, respectively, across both departments. On all four surveys, officers were asked qualitative and quantitative questions designed to elicit their attitudes and concerns about the use of body-worn cameras, bystanders recording them while they work, and the dissemination of these recordings online. Most of the analysis below is based off the data generated by the interviews as well as qualitative responses to one open-response question on the latter three questionnaires: "What concerns you most about civilians filming you (or other officers) while you are working?" Data analysis involved multiple rounds of emergent coding of the qualitative data alongside the exploration of descriptive statistics based on the quantitative response items from the surveys. As the analysis progressed, the initial codes were consolidated and organized into general categories as themes emerged from both the interviews and qualitative survey-response data. All qualitative data was then re-coded against a final coding manual (available from the author).

Most respondents and interviewees were male (84–93% across surveys), White (84–88% across surveys), and most also reported having worked in a law enforcement capacity for more than 10 years (69–80% across surveys), with only a very small number reporting less than 5 years of professional law enforcement experience (3–10%). There are some potential limitations to the study's findings stemming from the limited sampling of newer, non-male, and non-White officers in both the ride-alongs and survey responses (although the samples generally reflect the overall demographic composition of the two departments, at least in terms of sex and race). Future research should do more to understand how the perceptions of newer recruits, female, or non-White officers might differ from their more senior, male, or white colleagues.

Across the four surveys, regular (patrol, traffic, etc.) officers constituted between 45% and 63% of all respondents. Between 24% and 30% of respondents on each survey reported serving in higher ranking, mostly supervisory, positions. In addition, between 8% and 10% of respondents reported being detectives or investigators. Ride-alongs were conducted primarily with regular patrol officers, but also included three sergeants, two

corporals, and one crime scene investigator. Additional interviews and informal conversations were conducted with higher ranking members of the departments' command staff, civilian staff, and additional patrol officers.

Findings

At the outset, it is important to note that a relatively small number of officers reported not having concerns about bystander video (10% (2015), 8% (2016), 14% (2017)). These responses were generally explained as a consequence of officers becoming accustomed (or habituated) to frequently being recorded. For example, officers expressed sentiments like the following: "we are on camera all the time" (Sergeant 02–005, SPD) and "civilians have been filming us for years" (Patrol Officer 02–044, SPD). Some officers also qualified these responses, suggesting that, if civilians are not interfering and keep a safe distance, they are not perceived as a problem. The refrain, "I don't mind being recorded, but stay out of my way" (Investigator 03–042, BPD) was common, as was something like the following:

> Being recorded does not bother me on its own. Where I have the issue is how the citizen is going to manipulate and then use the recording. It is also an officer safety issue, when citizens believe their right to video tape us trumps our safety. (Sergeant 02–012, BPD)

These concerns were generally directed toward the overlapping issues of accountability, visibility, and a perceived loss of control over the documentation, framing, dissemination, and interpretation of visual recordings of the officers' encounters with civilians. Many of these concerns were also reflected in the reported perceptions officers had about their own use of body-worn cameras. However, in terms of accountability, while officers saw body cameras as also increasing their potential exposure and visibility (to supervisors, the media, and the public), they also appreciated the ability to document evidence to counter claims of misconduct. This protective element was not present in the case of bystander video, and this exacerbated officers' sense that they could not control the consequences stemming from bystander video as compared to their own body cameras. In addition, when officers talked about their perceptions of bystander video, they frequently began by noting how accustomed to it they had become (or by suggesting that officers who still complained about being recorded were being unrealistic). Some freely related personal anecdotes, but they often focused on controversy sparked by bystander recordings of other officers (including high-profile recordings in other cities, e.g. the recordings of Eric Garner and Walter Scott). During one ride along, one officer admitted that he sometimes thinks twice before engaging in certain situations out of the concern that dozens of people are likely to record his actions. Intervening in a disturbance at a crowded downtown bar, for example, he stated calmly, is certain to result in his intervention being recorded and uploaded to YouTube by multiple people.

Across surveys, between 70% and 80% of officers reported being "very comfortable" or "somewhat comfortable" with civilians recording them while they worked, and this was generally the sentiment expressed by officers during ride-alongs. Contrasted against the numerous concerns officers expressed, this reported level of comfort may be

surprising. However, data collected during interviews suggest that officers have learned to live with being recorded and that they do not frequently experience adverse consequences, but that they recognize that such consequences could potentially occur (or had occurred to others). Overall, the concerns officers expressed generally fell into two categories: (1) those about losing control of the immediate physical interaction and incident response (e.g. in cases of bystanders recording and getting too close or interjecting themselves into a crime scene or police-civilian contact) and (2) those involving the framing and disclosure of the subsequent recordings of the incident online. The first concern is connected to fears about safety and the ability to do their job (by restricting interference, obstruction, or distraction), while the second is about visibility, tied up in ambiguities about the motivations of the recording bystanders, the loss or misrepresentation of context, and the potential for heightened visibility through online dissemination. The first of these concerns is predominately present in responses to questions about bystander video (although some officers also feel that the presence of their own body-worn camera may also lessen the amount of discretion they are able to exert during a contact), while the second concern is connected more broadly to both bystander video and body-worn cameras.

The physical use of cameras

Officers were concerned about the physical use of cameras by bystanders for a variety of reasons. However, the most commonly cited reasons relate to bystander interference (e.g. distracting an officer's attention) or the obstruction of police work. Distraction is frequently tied to safety-related concerns, ranging from having attention pulled away from a possibly threatening situation to having "black metal objects pointed at me while I am in tense and rapidly evolving circumstances" (Patrol Officer 03–008, BPD), or the somewhat more extreme concern regarding "weapons disguised as a camera" (Patrol Officer 02–037, SPD). Most commonly, officers report being concerned about distraction simply because it is inconvenient and frustrating to have bystanders interfere with their work:

> *I find that during a tense call for service my attention can be distracted by persons filming,*
> *especially if they are near enough to pose a threat or possibly prevent me from physically doing*
> *my job.* (Detective 02–007, BPD)

Others expressed more general concerns about being under constant surveillance or being recorded while working. During the limited pilot phase of body-camera deployment, officers frequently stated that other officers were not always happy to see a camera arrive on scene and wanted to be informed whenever a camera was activated. In response, some officers developed hand signals to signify to other officers that their body camera was recording while others simply announced their cameras to other officers when they arrived on scene—and when that didn't happen, officers often asked.

In terms of obstruction, some officers expressed concern about the more premeditated and targeted, overt, and obstructionist activism engaged in by some bystanders, often framed as "getting in the way" and "obstructing my investigation." According to a few

officers, a small number of well-known local "copwatchers" were particularly bothersome (one man, posting to YouTube under the handle "MrWtfchuck" (https://www.you-tube.com/user/MrWtfchuck), was mentioned multiple times, due to his particularly confrontational tactics and publicly accessible YouTube channel). These concerns about obstruction (and distraction) were also frequently framed as problems of spatial proximity—that is, officers were concerned that bystanders "get too close," and officers also expressed concerns about bystanders baiting officers or communicating with suspects, witnesses, or victims. To address some of these issues, some officers would reorient their bodies so that their own body cameras would capture parts of an encounter they wished to have documented or, when on scene in a backup role, they would stand back at a distance and aim their cameras to capture a wide view of the scene.

Officers also frequently expressed concerns based on their perception that the bystanders who would record them were motivated to do so for reasons the officers found offensive or unwarranted. For example, officers felt that bystanders were motivated by anti-police sentiment or the patent desire to document police misconduct, to misrepresent police–public encounters in a way that makes officers look bad, to reveal police tactics, or simply a desire for personal attention and recognition. These concerns, framed as they were to include elements of disclosure, also resonate with officers' concerns about the framing, disclosure, and interpretation of bystander video after it gets uploaded to sites like YouTube or Facebook.

The dissemination of bystander video online

Overall, officers' concerns about dissemination, visibility, context, and exposure were driven by worries that bystander video would not adequately or accurately represent the context of the documented encounter—often manifested in the loss or manipulation of context. As I operationalize it here, this *loss of context* meant at least two different things to officers. First, it meant the recordings will not capture the full subjective experience of the officer, and thus the audience will view the video without understanding how the officer subjectively perceived the situation and why the officer chose to make the decisions they did—and, relatedly, that the audience will view and interpret the video (evidence) in ways that did not match the officers' experience. Second, it means the recording (or the portion of the recording made public) is limited in its ability to capture or show the entire sequence of events that led to the incident (or interaction/use of force, etc.) of interest, because of limited visibility (on the recording), limited audio capture, distortion due to the cameras' point of view, or limited coverage from the beginning of an incident until the conclusion due to practical or intentional reasons (e.g. the bystander did not initiate the recording until after the incident had started, either intentionally or not).

Officers frequently expressed concerns about civilians' motivations for sharing video online, citing what they perceived as biased "personal agendas and narratives" (Detective 04–006, BPD) or the intention to "edit their videos so that pieces are taken out of context and better illustrate their viewpoint" (Senior Patrol Officer 03–058, SPD) or to "create a false narrative" (Detective 02–049, BPD) that "demonizes the profession" (Neighborhood Resource Officer 03–065, SPD). Some officers felt that bystanders would "only show what they want people to see" rather than "the complete event" (Lieutenant 04–026, BPD). As

one officer put it, "most [bystander] video doesn't show what led up to the use of force, it only shows police 'beating down' a subject" (Patrol Officer 02–010, BPD). Bystanders "only record and release the things that are provocative. People don't understand that the camera only tells a brief account as to what really happens" (Patrol Officer 03–040, SPD).

Some officers feared that bystanders would edit, manipulate, or frame their recordings in ways that would decontextualize the documented events. These perceptions led to frustration and concern about how bystanders (and the news media, in some instances) would disseminate, frame, and interpret the video, leading to an increase in "illegitimate complaints due to editing" (Patrol Officer 03–035, BPD) and the "misrepresentation of what actually happened" (Detective 03–007, BPD). Concerns about "the ten-second clip taken out of context" (Patrol Officer 03–064, SPD) was one of the most frequently cited reasons officers didn't like bystander video, as such video only depicts "a very small piece of what happened" (Sergeant 03–031, BPD).

Relatedly, officers were concerned that the "selective editing of video footage and then release on social media" (Captain 03–018, SPD) would lead to unwanted and "selective scrutiny" (Patrol Sergeant 03–036, BPD), or that visibility and exposure in the public realm would depict officers "in a negative light" (Patrol Officer 03–001, BPD). Some of these concerns over exposure and visibility were driven by questions of accountability. These accountability related concerns fit into three general categories: (1) after-the-fact review ("armchair quarterbacking") by supervisors, the media, and the public, (2) an increase in formal complaints, and (3) punitive sanctions for otherwise "innocent mistakes." The feeling that their "every move is scrutinized" (Sergeant 02–056, SPD), suggested to some officers that there was a "need to do everything perfectly, every time. If not, the evidence showing errors in officer decisions, actions etc., is front and center for everyone to dissect after the fact" (Sergeant 02–011, BPD). Such constant surveillance would likely even capture officers' "occasional unprofessional comments or conduct while under stress" (Patrol Sergeant 02–013, BPD).

Beyond accountability-related concerns, some officers reported that being recorded was "just unnerving. It's like being under constant observation and scrutiny. Working in the fishbowl is stressful enough" (unidentified rank 03–044, SPD). Some reported that having video of them posted online, especially when they were identifiable, could create a safety risk for themselves or their families, even when they were off-duty. Some also expressed other privacy-related concerns, for example, "I don't want to be shared around even when I do nothing wrong" (unidentified rank 03–068, SPD), or concerns about civilian privacy interests, for example, "people are just hoping to be the next one to uncover a corrupt police department when really they are just invading people's privacy who are trying to report a crime" (Officer 03–012, BPD). Officers also reported that it was generally inappropriate for civilians to post recordings to the Internet at much higher rates than they did when asked about civilians recording officers (in general or in arrest-related situations; see Figure 1).

Discussion

Officers' responses evoke anxieties based in the perception that bystander video foregrounds decontextualized police–civilian interactions, often intended to make officers look bad or hold them accountable (wrongly or rightly) for misconduct. These concerns
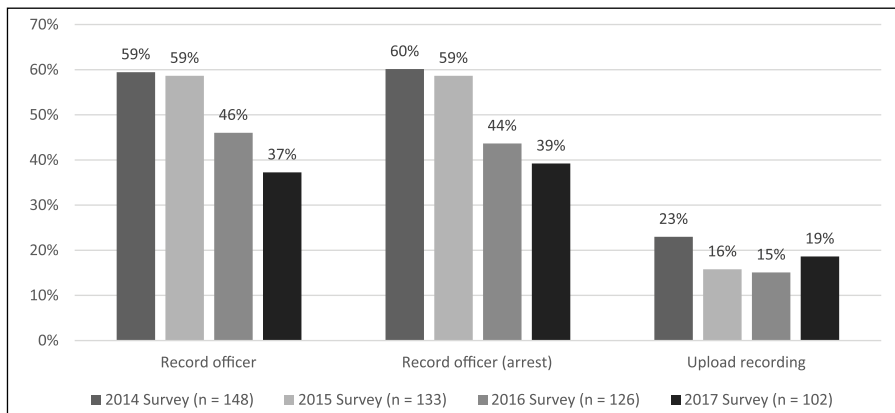
Figure 1. Percentages reporting that recording an officer—in general and during an arrest—or uploading a recording is appropriate (combining "very appropriate" or "somewhat appropriate" responses), by survey.

originate from the officers' condition as *affected bystanders* (Wagenknecht, 2018); in their work, they are "surrounded by technology" and, "often involuntarily, subjected to the effects that *others'* technology use entails" (p. 2). But, unlike the typical affected bystanders described by Wagenknecht (2018), who background much of the technological interference generated by those around them, police officers are frequently forced to foreground the technology use of civilians around them, based on their training and the need they feel to ensure their safety as they work. They notice. And, they sometimes alter their performances when they are being recorded, not only because they know they are being watched, but also because they are concerned about the sort of exposure that the perpetual and persistent memory of the internet makes possible.

Within the two departments studied here, we see that officers' primary concerns regarding bystander video stem from fears about visibility and exposure, the misrepresentation or misinterpretation of their conduct, and physical interference with their daily work. In their daily work, the camera became a signifier for a difficult witness and evoked both temporal and visibility-related concerns. In addition, recorded video often becomes "a politically charged theater for contested vision," as evidenced by the aftermath of the Rodney King beating as different sides sought to use the same visual evidence to support competing interpretations of the events (Goodwin, 1994: 606). Undoubtedly, the world has changed since George Holliday's recording was first broadcast. However, while we should be careful comparing that moment with the present for a variety of reasons, we continue to see vision contested as alternate narratives are offered by parties competing to frame events in certain ways for political purposes.

The connections between the civilizing- and accountability-related aims of police body-worn camera deployment and bystander video are also evocative of Foucault's (1982: 220–221) notion of governmentality and government as the "conduct of conduct"—each is a "rational attempt to shape conduct" by varied entities for "definite but shifting ends and with a diverse set of relatively unpredictable consequences, effects and

outcomes" (Dean, 2010: 17–19). Indeed, the crossed lenses of police body cameras and bystander cameras likely incentivize both officers and bystanders to engage in forms of self-government, as cases "in which governor and governed are two aspects of the one actor" (Dean, 2010: 19). Importantly, these situations represent a clash between two visibility regimes and, in many ways, a disintegration of the distinction between sousveillance and surveillance in practice.

In the context of their qualitative responses, the more negative views officers held of uploading video to YouTube and Facebook (etc.) versus merely recording officers also suggests that officers are more concerned about the risks brought about by visibility and the persistent and perpetual memory of the internet than they are with the perceived distraction- and safety-related effects of bystander video on their physical, day-to-day work. Essentially, concerns rooted in their loss of (informational) power and the resulting information politics were seen as more important than the more temporary, fleeting physical inconvenience caused by the presence of camera-wielding bystanders. Indeed, it was apparent that these concerns were often rooted in information politics, as the perceived loss of context, and loss of control over how and when information about their work was disclosed, suggests that officers are losing power in their struggle to frame and control the narrative and explain their interpretation of the events depicted on the video (their "account ability"). Indeed, when bystanders control the video, officers are limited their ability to frame and anchor the narrative around their interactions with members of the public.

Alongside their attempts to "map" the possible effects of being recorded, officers are also working within a context in which the "new transparency encourages beliefs in images speaking for themselves, in cameras as mechanically objective witnesses, and in information as self-evident" (Brucato, 2015: 44). Officers reported substantial concerns about popular acceptance of the "mechanical objectivity" (Brucato, 2015: 44) of these video recordings of police-public encounters. These fears were only heightened by the fact that officers are working in an environment filled with increasing calls to "release the tapes," especially because these calls are often based on assumptions about the "objectivity" of these visual records of police-civilian interactions that run counter to many officers' opinions that the recording, selection, and presentation of these videos manipulates, distorts, or removes vital contextual information. Interestingly, officers expressed concerns about objectivity in terms of physical presence (e.g. limitations on what bystanders choose to record and the field of view captured by individual recording devices) as well as physical absence (e.g. being disconnected from the online audience and their interpretation of events). Linking these two, however, was the overarching concern that video (as a technology, and as consumed online) was unable to put the viewer in the place of the officer and convey the perception and experience of the officer in the recorded moment, thus leading to distorted understandings and judgments about an officer's actions. To this point, various studies empirically support concerns that the interpretation of video footage is subject to differing perspectives and forms of perspective bias (see, for example, Boivin et al., 2017), suggesting that the mechanical objectivity of these videos is an impossibility. Indeed, "the ability to see a meaningful event is not a transparent psychological process but instead a socially situated activity accomplished through the deployment of a range of historically constituted discursive practices" (Goodwin, 1994: 606).

Unsurprisingly, information politics is closely linked to power, but it must be more than using, processing, or manipulating access to already existing information. Indeed, it is no coincidence that common definitions of surveillance (e.g. Lyon, 2007: 14) bear striking resemblance to the concept of information politics. Vision, as one form of the surveillant gaze, has been described as "a sense of power," while "visibility is precisely the complex field where the visible and the articulable coexist" (Brighenti, 2007: 328–329). Indeed, visibility has clear connections to exposure, recognition, subjectification, and objectification (Brighenti, 2007: 329). Thus, the acts and practices of surveillance and sousveillance are embodiments of the exercise of informational power and, as such, represent forms of information politics that are increasingly important to explore, question, and critique in the contemporary surveillance-saturated information society.

Conclusion

This study is not without limitations. First, the research reported here draws from data collection within just two police departments in the same state. However, the findings from this study converge with the existing studies into police officer perceptions of bystander video, suggesting that the themes drawn here may be indicative of concerns officers feel outside these specific jurisdictions. In addition, the combination of qualitative and quantitative methodologies chosen, and the specific questions asked, carry with them their own unique set of benefits and concerns. This study was based within a larger investigation focused primarily on police officers' use and perceptions toward body-worn camera adoption, and the questions reported herein were developed as the research progressed and connections between officers' concerns about body cameras and bystander video became apparent. Longer, more in-depth ethnographic work focused on bystander video might reveal more nuanced findings, and broader, more focused quantitative studies with multiple agencies might also contribute to a better understanding of how these concerns might play out, or be experienced, differently in diverse policing contexts. Future research could also focus more directly on the dynamics of encounters between police officers and recording bystanders, either through qualitative fieldwork or the analysis of actual bystander videos uploaded to online platforms like YouTube. In addition, it would be valuable to have research that interrogates how bystander video is handled and processed by those who subsequently post it online (the bystanders, or "copwatchers" themselves). In terms of understanding the evolving information politics of surveillance and visibility within modern-day policing, concerns about bystander video are only one piece in a much larger puzzle. Other forms of surveillance, such as body-worn cameras, social media monitoring, and the use of unmanned aerial vehicles (amidst many others), also warrant additional investigation, as do existing and historical public disclosure laws and policies.

However, the findings presented herein provide a clear link between existing studies of policing on camera, policing and new media, and the important, and evolving, state of information politics within contemporary police organizations. In the end, the negotiation of power in this context, from the choice to record—or resist—to navigating the presentation, disclosure and dissemination, framing, and interpretation of bystander video is a form of information politics. Bystander recording confronts officers with two distinct challenges: dealing with video and the visibility it can bring and dealing with

bystanders who may or may not be conventional witnesses, victims, or suspects. Officers are also beginning to use their own visual technologies (e.g. body cameras) to counter claims of misconduct or evidence they feel misrepresents their actions, including making conscious choices about how and what to record that impact their behavior on the job.

The concerns officers have about their own visibility—including about objectivity, documentation, transparency, and accountability—and their responses all manifest as parts of a broader intersecting of the politics of information, surveillance, and the police. Each side struggles to manipulate information access and information control "for political gain" (Jaeger, 2007: 851) and to use cameras and online hosting platforms as "decisive tool[s] of power-making" (Castells, 2009: 197). This is an information politics fed by the coercive powers of surveillance and the ambiguity of vision. In an era referred to as the "The End of Forgetting," where "social power is not only premised on what is concealed" but, rather "is increasingly constituted in the act of revelation" (Bossewitch and Sinnreich, 2012: 225), understanding the effects of this "new visibility" on policing, and the role-played by new media in this process, has become vitally important to our tasks of organizing, understanding, and overseeing both the police and the new media platforms that afford such increased visibility.

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References

Allan S (2013) Citizen Witnessing: Revisioning Journalism in Times of Crisis. Cambridge: Polity Press.
Allan S and Peters C (2015) Visual truths of citizen reportage: four research problematics. *Information, Communication & Society* 18(11): 1348–1361.
Antony MG and Thomas RJ (2010) "This is citizen journalism at its finest": YouTube and the public sphere in the Oscar Grant shooting incident. *New Media & Society* 12(8): 1280–1296.
Bittner E (1990) Aspects of Police Work. Boston, MA: Northeastern University Press.
Bock MA (2016) Film the police! Cop-watching and its embodied narratives. *Journal of Communication* 66(1): 13–34.
Boivin R, Gendron A, Faubert C, et al. (2017) The body-worn camera perspective bias. *Journal of Experimental Criminology* 13(1): 125–142.
Bossewitch J and Sinnreich A (2012) The end of forgetting: strategic agency beyond the panopticon. *New Media & Society* 15(2): 224–242.
Braman S (2006) Change of State: Information, Policy, and Power. Cambridge, MA: The MIT Press.
Brighenti A (2007) Visibility: a category for the social sciences. *Current Sociology* 55(3): 323–342.
Brown GR (2016) The blue line on thin ice: police use of force modifications in the era of cameraphones and YouTube. *British Journal of Criminology* 56(2): 293–312.

Brucato B (2015) The new transparency: police violence in the context of ubiquitous surveillance. *Media and Communication* 3(3): 39–55.

Brucato B (2016) Standing by police violence: on the constitution of the ideal citizen as sousveiller. *American Studies Journal* 61: 6. Available at: http://www.asjournal.org/61–2016/standing-police-violence-constitution-ideal-citizen-sousveiller

Castells M (2007) Communication, power and counter-power in the network society. *International Journal of Communication* 1(2007): 238–266.

Castells M (2009) Communication Power. Oxford, New York: Oxford University Press.

Chermak S and Weiss A (2005) Maintaining legitimacy using external communication strategies: an analysis of police-media relations. *Journal of Criminal Justice* 33(5): 501–512.

Dean M (2010) *Governmentality: Power and Rule in Modern Society*. 2nd ed. London: SAGE.

Ericson RV (1995) The news media and account ability in criminal justice. In: Stenning P (ed.) *Accountability for Criminal Justice: Selected Essays*. Toronto, ON, Canada: University of Toronto Press, pp. 135–161.

Ericson RV and Haggerty KD (1997) *Policing the Risk Society*. Toronto, ON, Canada: University of Toronto Press.

Ericson RV, Baranek PM and Chan JBL (1989) *Negotiating Control: A Study of News Sources*. Toronto, ON, Canada: University of Toronto Press.

Farmer AK (2016) *Copwatchers: citizen journalism and the changing police-community dynamic*. Unpublished Doctoral Thesis, University of Delaware, Newark, DE.

Farmer AK and Sun IY (2016) Citizen journalism and police legitimacy: does recording the police make a difference? In: Deflem M (ed.) *The Politics of Policing: Between Force and Legitimacy*. Bingley: Emerald Group Publishing Limited, pp. 239–256.

Finn J (2012) Seeing surveillantly: surveillance as social practice. In: Doyle A, Lippert R and Lyon D (eds) *Eyes Everywhere: The Global Growth of Camera Surveillance*. Abingdon: Routledge, pp. 67–80.

Foucault M (1982) The subject and power. In: Dreyfus H and Rabinow P (eds) *Michel Foucault: Beyond Structuralism and Hermeneutics*. Brighton: Harvester Press, pp. 208–226.

Goldsmith AJ (2010) Policing's new visibility. *British Journal of Criminology* 50(5): 914–934.

Goodwin C (1994) Professional vision. *American Anthropologist* 96(3): 606–633.

Greer C and McLaughlin E (2010) We predict a riot? Public order policing, new media environments and the rise of the citizen journalist. *British Journal of Criminology* 50(6): 1041–1059.

Haggerty KD (2006) Tear down the walls: on demolishing the panopticon. In: Lyon D (ed.) *Theorizing Surveillance: The Panopticon and Beyond*. Cullompton: Willan Publishing, pp. 23–45.

Haggerty KD and Sandhu A (2014) The police crisis of visibility. *IEEE Technology and Society Magazine* 33: 9–12.

Hermida A and Hernández-Santaolalla V (2018) Twitter and video activism as tools for counter-surveillance: the case of social protests in Spain. *Information, Communication & Society* 21(3): 416–433.

Huey L, Walby K and Doyle A (2006) Cop watching in the downtown Eastside: exploring the use of (counter) surveillance as a tool of resistance. In: Monahan T (ed.) *Surveillance and Security: Technological Politics and Power in Everyday Life*. New York: Routledge, pp. 149–165.

Jaeger PT (2007) Information policy, information access, and democratic participation: the national and international implications of the bush administration's information policies. *Government Information Quarterly* 24(4): 840–859.

Kreimer SF (2011) Pervasive Image Capture and the First Amendment: Memory, Discourse, and the Right to Record. *University of Pennsylvania Law Review* 159: 335–409.

Lyon D (2007) Surveillance Studies: An Overview. Cambridge: Polity Press.

Mann S, Nolan J and Wellman B (2003) Sousveillance: inventing and using wearable comput-ing devices for data collection in surveillance environments. *Surveillance & Society* 1(3): 331–355.

Marx GT (2005) Surveillance and Society. In: Ritzer G (ed.) *Encyclopedia of Social Theory*. Thousand Oaks, CA: SAGE, pp. 816–821.

Mathiesen T (1997) The viewer society: Michel Foucault's "panopticon" revisited. *Theoretical Criminology* 1(2): 215–234.

Monahan T (2006) Counter-surveillance as political intervention? *Social Semiotics* 16(4): 515–534.

Newell BC (2014a) Crossing lenses: policing's new visibility and the role of "smartphone journal-ism" as a form of freedom-preserving reciprocal surveillance. *Journal of Law, Technology & Policy* 2014(1): 59–104.

Newell BC (2014b) Technopolicing, surveillance, and citizen oversight: a neorepublican theory of liberty and information control. *Government Information Quarterly* 31(3): 421–431.

Newell BC (2015) *Transparent lives and the surveillance state: policing, new visibility, and infor-mation policy*. Unpublished Doctoral Thesis, University of Washington, Seattle, WA.

Sandhu A (2016) Camera-friendly policing: how the police respond to cameras and photographers. *Surveillance & Society* 14(1): 78–89.

Sandhu A (2017) "I'm glad that was on camera": a case study of police officers' percep-tions of cameras. *Policing and Society*. Epub ahead of print 6 February. DOI: 10.1080/10439463.2017.1285917.

Sandhu A and Haggerty KD (2015) High-visibility policing: policing on camera and the crisis of police legitimacy. In: *Oxford Handbooks Online*. Available at: http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199935383.001.0001/oxfordhb-9780199935383-e-80 (accessed 23 June 2018).

Sandhu A and Haggerty KD (2017) Policing on camera. *Theoretical Criminology* 21(1): 78–95.

Simon S (2012) Suspicious encounters: ordinary preemption and the securitization of photogra-phy. *Security Dialogue* 43(2): 157–173.

Wagenknecht S (2018) Beyond non-/use: the affected bystander and her escalation. *New Media & Society* 20(7): 2235–2251.

Wall T and Linnemann T (2014) Staring down the state: police power, visual economies, and the "war on cameras." *Crime, Media and Culture* 10(2): 133–149.

Wilson DJ and Serisier T (2010) Video activism and the ambiguities of counter-surveillance. *Surveillance & Society* 8(2): 166–180.

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